UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/467,387	12/21/1999	EDUARDO PELEGRI-LLOPART	SUN1P253/P41	2336

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BEYER WEAVER & THOMAS LLP
P.O. BOX 778
BERKELEY, CA 94704-0778 .

EXAMINER
KISS, ERIC B

ART UNIT	PAPER NUMBER
2122	

DATE MAILED: 09/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
	09/467,387	PELEGRI-LLOPART ET AL.
Office Action Summary	Examiner	Art Unit	
	Eric B. Kiss	2122	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _07 June 2004_.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _26-42_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _26-42_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _07 June 2004_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

1.   The reply filed 7 June 2004 has been received and entered. Claims 26-42 are pending.

Drawings

2.   The drawings were received on 10 June 2004. These drawings are acceptable.

Specification / Response to Arguments

3.   The use of trademarks JAVA, JAVA BEAN, JAVASERVER, COLDFUSION, LIVESOFTWARE, and JRUN has been noted in this application. They should be capitalized wherever they appear and be accompanied by generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

Applicant is strongly encouraged to read "Sun Trademark and Logo Usage Requirements," available on the World Wide Web at <http://www.sun.com/policies/trademarks/>. This document specifies a set of guidelines for proper usage of trademarks of the present Assignee, Sun Microsystems, Inc. Some specific guidelines from this document that the Examiner suggests for Applicant to follow include:

I.A)   Use Sun Trademarks as Adjectives, Never as Nouns: Please follow every Sun trademark with an appropriate noun consisting of the Sun product or service that is branded with the mark. Sun trademarks are adjectives and may not be used as nouns, or alone as a shorthand way of identifying a product or service. The Sun trademark should be used as an adjective describing a product or service of Sun Microsystems.

I.B)   No Possessives, Plurals, Verbs or Puns: Sun works hard to build customer goodwill, and it uses its trademarks to harness that goodwill. Please use the marks as they are designed and intended. Since a trademark is not a noun, it must never be used in possessive or plural forms, and should never be used as a verb or a pun.

I.C)   Company Name Use: The "Sun" name is not only a trademark used to identify our products and services, it also serves as our company name. When using the "Sun" name as a reference to the company, "Sun" may be used as a noun and no TM symbol is needed. For example, the sentence "Sun announced a new line of workstation products" would be an appropriate use.

Similar guidelines should be followed for trademarks not owned by Sun Microsystems, Inc., as well. For example, instead of reciting "COLD FUSION™'s CFX mechanism" on p. 5, line 4, Applicant should recite "the ColdFusion™ Web application server CFX mechanism" (or "the COLDFUSION Web application server CFX mechanism"), and instead of reciting "LIVESOFTWARE™'s JRUN mechanism" on p. 5, lines 5-6, Applicant shold recite "the Livesoftware™ JRun™ Web application server mechanism" (or "the LIVESOFTWARE JRUN Web application server mechanism"). Note that in the Examiner-provided examples of appropriate usage, the trademarks are used as adjectives and not as possessive nouns.

It is noted that MPEP §608.01(v) states in part,

Although the use of trademarks having definite meanings is permissible in patent applications, the proprietary nature of the marks **should** be respected [emphasis added]. Trademarks **should** be identified by capitalizing each letter of the mark (in the case of word or letter marks) or otherwise indicating the description of the mark (in the case of marks in the form of a symbol or device or other nontextual form) [emphasis added]. Every effort **should** be made to prevent their use in any

manner which might adversely affect their validity as trademarks [emphasis added].

As this cited portion of the MPEP is recited using permissive wording, the above guidelines are provided merely as suggestions as to how Applicant may better respect the proprietary nature of, and appropriately use, the various trademarks appearing in the instant specification. Applicant is free to apply or ignore these suggestions at their discretion.

However, in view of Applicant's comments cited below, clarification is required as to how Applicant intends the Office to interpret the terms JAVA and JAVASERVER in the instant specification. Applicant has argued the following with respect to these terms:

> In the Office Action dated July 31, 2003, the Examiner has also asserted that trademark language should be capitalized and accompanied by generic terminology (Office Action, item 4). Initially, it is respectfully submitted that the undersigned earnestly believes that there is no legal requirement that would suggest that every instance of trademark language must be accompanied by generic terminology. It is respectfully requested that the Examiner provide the Applicant with any evidence to the contrary. Furthermore, it is respectfully submitted the some programming languages or specific software products are well known to those skilled in the art by a trademark name (e.g., JavaServer™, Coldfusion™). As such, it is NOT necessary to accompany these trademark names with generic terminology. Furthermore, in some cases it may be inappropriate to use generic terminology if a programming language or product is primarily known to those skilled in the art by its trademark name (e.g., Java programming language) [see Applicant's remarks submitted 27 February 2004 on p. 11].

It is unclear from these remarks whether Applicant intends JAVA and JAVASERVER to represent proprietary trademarks or generic names used in trade. In the present case, Applicant apparently expressly contends (see p. 11 of Applicant's remarks submitted 27 February 2004, cited above) that "Java" and "JavaServer" are themselves well-known generic names, as used by those skilled in the art to describe a specific programming language and a specific software

product. If, as Applicant argues, JAVA and JAVASERVER have in fact become the generic

name for so-described products, then the trademarks have apparently been abandoned (under 15

U.S.C. §1127), and the terms JAVA and JAVASERVER may be considered generic names used

in trade.

If, however, Applicant maintains that JAVA and JAVASERVER should be considered as

trademarks rather than as generic names used in trade (in contradiction to Applicant's above-

cited arguments), then the trademarks JAVA and JAVASERVER can only be descriptive of the

source of the goods, and not the goods themselves, *i.e.*, the trademarks JAVA and

JAVASERVER imply only that the source of any so-labeled product is Sun Microsystems, Inc.,

the owner of the marks. Assuming Applicant intends the words "JAVA" and "JAVASERVER"

to refer properly to proprietary trademarks of Sun Microsystems, Inc., then JAVA is not, *per se*,

a programming language, and JAVASERVER is not, *per se*, a software product. Accordingly,

additional "generic terminology", e.g., "JAVA programming language", is necessary in order to

properly describe (under 35 U.S.C. §112) the instant invention.

Applicant has further argued the following:

> In addition to the amendments and arguments already submitted, it is respectfully
> submitted that Board of Appeals has set guidelines for assessing use of trademark
> language in a patent application. More particularly, the Board of Appeals has noted that
> a product on the market should be known generally to those skilled in the art and it be
> necessary to use the trade name; *Ex parte Frederick and Waterfall*, 75 USPQ 298 (Bd.
> Pat. App. & Int. 1947)). Again, it is respectfully submitted, the trademark names used b
> the Applicant (e.g., JavaServer™ page, Java™ programming language) represent product
> or programming languages that are well known in the art. Moreover, these product and
> programming languages are primarily known to those skilled in the art by their trademark
> name. Hence, the use of generic terminology may cause confusion and/or be an
> unreasonable burden on the Applicant. Accordingly, it is respectfully submitted that the
> Applicant should not be precluded from using these trademark names. In fact, the use of
> trademark names may allow the claimed invention to be more clearly defined. It is

respectfully requested that the Examiner consider the guidelines set forth by the Board of
Appeals [see Applicant's remarks submitted 7 June 2004 on p. 12; emphasis in original].

The Examiner has fully considered the Board of Appeals decision cited by Applicant.

The relevant portion of the Headnotes reads as follows:

> Claims are indefinite because of use of trade name; it is unnecessary to use trade name to
> define material since applicants know accepted chemical terminology therefor; claim
> should not be limited to product of single manufacturer; there is no evidence that product
> is on market and known generally to those skilled in art [see *Ex parte Frederick and
> Waterfall*, 75 USPQ 298 (Bd. Pat. App. & Int. 1947); Headnotes].

The corresponding relevant portion of the Opinion Text reads as follows:

> Claims 5 and 10 stand rejected as improper and we find these claims indefinite in the use
> of the term "Aquasol". This term appears to be a trade name and appellants contend that
> there is nothing indefinite and improper in the use of it since the examiner clearly
> understands what is defined in the claims. In their brief, appellants state that the quoted
> term is otherwise known as turkey red oil or sulphonated oil and that it is the product of a
> certain manufacturer. It is clear therefore that there is no necessity of using a trade name
> to define the material since applicants know the accepted chemical terminology for the
> material which they disclose as operative for the desired purpose. A patent claim should
> not be limited to the product of a single manufacturer. We have before us no evidence, as
> in In re Gebauer-Fuelnegg, Eilers and Moffett, 50 USPQ 125, 28 C.C.P.A. (Patents)
> 1359, to the effect that the product is on the market and is known generally to those
> skilled in the art. Furthermore, the cited decision is not deemed applicable since the
> question before the Court in connection therewith was the sufficiency of a disclosure.
>
> The actions of the Primary Examiners are reversed as to claims 4, 7, 8, 9, 11, 12, 14, 15,
> 16, 18, 21, 22 and 23, are affirmed as to claims 5 and 10 and the appeal is dismissed as to
> claim 13 [see *Ex parte Frederick and Waterfall*, 75 USPQ 298 (Bd. Pat. App. & Int.
> 1947); Opinion Text].

The Examiner is unable to find support for Applicant's interpretation within the cited

Board of Appeals decision. Further, the decision cited appears to have no bearing on the

prosecution of the instant application as Applicant has apparently removed all occurrences of

proprietary marks from the pending claims.

Claim Objections

4.   Claim 42 is objected to because of the following informalities:

Claim 42 recites "**goto (e)**" in line 9. While "goto" is a generally well-understood

programming language instruction specifying a transfer of execution to another statement and the

term also appears in some algorithm descriptions as a shorthand notation (as claim 42 appears to

be), Applicant is required to revise the claim to recite the limitations in more formal language,

properly specifying valid method steps.

Claim Rejections - 35 USC § 112

5.   The text of those sections of Title 35, U.S. Code not included in this action can be found

in a prior Office action.

6.   Claims 26-42 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for

failing to particularly point out and distinctly claim the subject matter which Applicant regards as

the invention.

Claim 26 recites the limitation "said custom action tag" in lines 3, 4, 6, 9, 10, 11, 12, 14,

15 ("the custom action tag"), 16, 17, 19-20, 21-22, 23-24, 27-28, and 35. There is insufficient

antecedent basis for this limitation in the claim.

Claim 28 recites the limitation "said custom action tag" in lines 3-4 and 7. There is insufficient antecedent basis for this limitation in the claim.

Claim 29 recites the limitation "said custom action tag" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 31 recites the limitation "said custom action tag" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 32 recites the limitation "said custom action tag" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 33 recites the limitation "said custom action tag" in lines 5 and 8. There is insufficient antecedent basis for this limitation in the claim.

Claims 27, 30, and 34 are rejected based on the limitations of parent claim 26 as set forth above.

In the interest of compact prosecution, the recitation of "one or more custom action tags" in line 1 of claim 26 is subsequently interpreted as reading --a custom action tag-- for the purpose of further examination.

Claim 27 recites the limitation "the pageContext object" in lines 6-7. There is insufficient antecedent basis for this limitation in the claim. In the interest of compact prosecution, the recitation of "the pageContext object" in lines 6-7 of claim 27 is subsequently interpreted as reading --a pageContext object-- for the purpose of further examination.

Claim 30 recites the limitation "the body-evaluation object" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim. In the interest of compact prosecution, the recitation of "the body-evaluation object" in lines 1-2 of claim 30 is subsequently interpreted as reading --a body-evaluation object-- for the purpose of further examination.

Claim 35 recites the limitation "said custom action tag" in lines 4, 5, 6-7, 9, 10, 12, 13, 14, 16, 18 ("the custom action tag"), 20, 23, 25, 2731, and 38. There is insufficient antecedent basis for this limitation in the claim.

Claim 36 recites the limitation "said custom action tag" in lines 3-4 and 8. There is insufficient antecedent basis for this limitation in the claim.

Claim 37 recites the limitation "said custom action tag" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 39 recites the limitation "said custom action tag" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 38 is rejected based on the limitations of parent claim 26 as set forth above.

In the interest of compact prosecution, the recitation of "one or more custom action tags" in line 2 of claim 35 is subsequently interpreted as reading --a custom action tag-- for the purpose of further examination.

Claim 40 recites the limitation "said custom action tag" in lines 3, 4-5, 6, 12, 13, 14, 15,

16, 18, 19 ("the custom action tag"), 21, 23-24, 25-26, 27-28, 31-32, and 39. There is

insufficient antecedent basis for this limitation in the claim.

Claim 41 is rejected based on the limitations of parent claim 26 as set forth above.

In the interest of compact prosecution, the recitation of "one or more custom action tags"

in lines 1-2 of claim 41 is subsequently interpreted as reading --a custom action tag-- for the

purpose of further examination.

Claim 42 is indefinite for the following reasons:

The recitation of "goto (e)" in line 10 of claim 42 is not a valid method step.

It is unclear how the parenthetical expression "(evaluate_body)" in line 8 of claim

42 is intended to affect the scope of the claim.

The limitation of "creating a BodyEvaluation object if necessary" in line 7 of

claim 42 is not positively recited, and appears to be an optional step, *i.e.*, no criteria is

established in the language of the claim for determining whether a BodyEvaluation object

is, in fact, necessary. However, the limitation in line 10 of claim 42 appears to require

the existence of a BodyEvaluation object.

Claim 42 recites the limitation "the tag" in lines 5 and 11. There is insufficient

antecedent basis for this limitation in the claim.

As best understood, claim 42 appears to be intended as a more generalized version of

claim 26. As such, the Examiner subsequently interprets the limitations of claim 42 as

substantially similar to those of claim 26 (although broader in scope).

Claim Rejections - 35 USC § 102

7.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this
or a foreign country, before the invention thereof by the applicant for a patent.

8.   Claims 26-42 are rejected under 35 U.S.C. 102(a) as being anticipated by Alex Fedorov,

et al., "Professional Active Server Pages 2.0," 1998, Wrox Press Ltd (hereinafter [Fedorov98]).

As per claim 26, [Fedorov98] discloses providing, for a custom action tag, a tag-handler

object that represents a run-time representation of said custom action tag (see, for example, "The

Application Object" on pp. 131-136 "The Session Object" on pp. 136-142, and "Applications,

Sessions, and State" on pp. 325-341), said tag-handler object including:

a do-start method for processing a start-tag of said custom action tag (for

example, an Application_onStart event handler or a Session_onStart event handler; see,

for example, "Application Event Handlers" on pp. 132-133, "Session Event Handlers"

and "Session Variables" on pp. 138-139, and "Application and Session Events" on pp.

328-329),

a do-body method for processing a body of said custom action tag (see, for

example, "Applications, Sessions, and State" on pp. 325-341), and

　　　　a do-end method for processing of an end-tag of said custom action tag (for

example, an Application_onEnd event handler or a Session_onEnd event handler; see, for

example, "Application Event Handlers" on pp. 132-133, "Session Event Handlers" and

"Session Variables" on pp. 138-139, and "Application and Session Events" on pp. 328-

329);

　　　　invoking said do-start method of said tag-handler object to process said start-tag of said

custom action tag (; see, for example, "Application Event Handlers" on pp. 132-133, "Session

Event Handlers" and "Session Variables" on pp. 138-139, and "Application and Session Events"

on pp. 328-329), wherein said do-start method determines:

　　　　　　　　whether the custom action tag has a body, and

　　　　　　　　whether there is a need to process said body when said do-start method

determines that said custom action tag has a body (see, for example, "Applications,

Sessions, and State" on pp. 325-341);

　　　　invoking said do-body method of said tag-handler object when said invoking of said do-

start method determines that there is a need to process said body of said custom action tag (see,

for example, "Applications, Sessions, and State" on pp. 325-341);

　　　　processing, by said do-body method of said tag-handler object, said body of said custom

action tag, to translate said body from a first scripting language to platform independent code

that can be executed to perform actions intended by said custom action tag (see, for example,

"The Response Object" on pp. 113-125 and "The Server Object on pp. 125-131);

　　　　determining by said do-body method of said tag-handler object whether further

processing is required to translate the body from a first scripting language to platform

independent code that can be executed to perform the actions intended by said custom action tag

when said processing has been performed by said do-body method of said tag-handler object

(see, for example, "The Response Object" on pp. 113-125 and "The Server Object on pp. 125-

131);

repeating said processing, by said do-body method of said tag-handler object, when said

do-body method of said tag-handler object determines that further processing is required (see, for

example, "The Response Object" on pp. 113-125 and "The Server Object on pp. 125-131); and

invoking said do-end method of said tag-handler object when said do-body method

determines that no further processing is required, wherein said do-end method processes said

end-tag of said custom action tag (see, for example, "Application Event Handlers" on pp. 132-

133, "Session Event Handlers" and "Session Variables" on pp. 138-139, and "Application and

Session Events" on pp. 328-329).

As per claim 27, [Fedorov98] further discloses creating at runtime when said platform

independent code is to be executed, by said tag-handler, one or more objects that said Web Page

requires (see, for example, "The Response Object" on pp. 113-125);

storing at runtime when said platform independent code is to be executed, by said tag-

handler at runtime, said one or more created objects into a pageContext object, thereby allowing

the one or more objects to be retrieved at runtime (see, for example, "The Response Object" on

pp. 113-125).

As per claim 28, [Fedorov98] further discloses said invoking of said do-start method of said tag-handler object providing said do-start method with one or more attribute values associated with said custom action tag;

providing a page context object that provides runtime data including run- time values for one or more attributes associated with said custom action tag (see, for example, "The Response Object" on pp. 113-125); and

interacting, by said do-start method, with said page context object to perform appropriate functionality with respect to said attribute values (see, for example, "The Response Object" on pp. 113-125).

As per claim 29, [Fedorov98] further discloses evaluating said body of said custom action tag as a stream of bytes that can be represented as a body-evaluation object, said body-evaluation object providing an abstraction from various scripting languages that can be used to implement said custom action tag (see, for example, "The Response Object" on pp. 113-125 and "Scripting Objects" on pp. 147-170).

As per claim 30, [Fedorov98] further discloses a body- evaluation object being implemented using a buffer (see, for example, "The Response Object" on pp. 113-125 and "Scripting Objects" on pp. 147-170).

As per claim 31, [Fedorov98] further discloses said evaluating of said custom action tag by said do-body method further comprising: providing said do-body method with said body-evaluation object (see, for example, "Scripting Objects" on pp. 147-170);

determining by said do-body method whether to insert said stream of bytes into another stream of bytes (see, for example, "Scripting Objects" on pp. 147-170);

inserting, by said do-body method, said stream of bytes into another stream of bytes, when said do-body method determines that said stream of bytes should be inserted into another stream of bytes (see, for example, "Scripting Objects" on pp. 147-170); and

converting, by said do-body method, said stream of bytes to a string when said do-body method determines that said stream of bytes should not be inserted into another stream of bytes (see, for example, "Scripting Objects" on pp. 147-170).

As per claim 32, [Fedorov98] further discloses said do-end method:

facilitating cleanup and update of said context page (see, for example, "Scripting Objects" on pp. 147-170); and

determining whether further processing is required for another custom action tag (see, for example, "The Response Object" on pp. 113-125).

As per claim 33, [Fedorov98] further discloses the do-body method of said tag-handler object comprising:

a do-init-body method that operates to initialize and pre-process a body-evaluation object

that provides an abstraction from a scripting language used to implement said custom action tag

(see, for example, "The Response Object" on pp. 113-125); and

a do-after-body method the operates to evaluate said body-evaluation object at least once

to translate the body from a first scripting language to platform independent code that can be

executed to perform the actions intended by said custom action tag (see, for example, "The

Response Object" on pp. 113-125).

As per claim 34, [Fedorov98] further discloses said Web Page being implemented on a

server that supports a platform independent programming language (for example, Javascript; see,

for example, "Scripting" on pp. 52-57).

As per claims 35-39, these claims recite computer-readable media embodiments closely

paralleling the method steps recited in claims 26 and 28-31. [Fedorov98] discloses software

embodiments of the prescribed method steps addressed as set forth above (see the disclosure

applied above to claims 26 and 28-31). Such software embodiments inherently require the use of

computer-readable media including computer program code to realize to disclosed functionality.

As per claims 40 and 41, these claims recite computer system embodiments closely

paralleling the method steps recited in claims 26 and 34. [Fedorov98] discloses software

embodiments of the prescribed method steps addressed as set forth above (see the disclosure

applied above to claims 26 and 34). Such software embodiments inherently require the use of a

central processing unit and a memory to realize the disclosed functionality.

As per claim 42, see the disclosure applied above to claim 26.

Conclusion

9.   Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

10.   Any inquiry concerning this communication or earlier communications from the

Examiner should be directed to Eric B. Kiss whose telephone number is (703) 305-7737. One or

around October 28, 2004, Technology Center 2100 will be relocated to Alexandria, Virginia, and

Examiner Kiss's telephone number will change to (571) 272-3699. The Examiner can normally

be reached on Tue. - Fri., 7:15 am - 4:45 pm. The Examiner can also be reached on alternate

Mondays.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's

supervisor, Tuan Dam, can be reached on (703) 305-4552. On or around October 28, 2004,

Technology Center 2100 will be relocated to Alexandria, Virginia, and Tuan Dam's phone

number will change to (571) 272-3695. The fax phone number for the organization where this

application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EBK / EBK
September 14, 2004

ANTONY NGUYEN-BA
PRIMARY EXAMINER